



Indiana Department of Environmental Management
Office of Air Quality
Rule Fact Sheet
April 12, 2001

Fugitive Dust Emissions
#96-16(APCB)

Overview

This rulemaking concerns fugitive dust emissions.

Citations Affected

Adds: 326 IAC 6-4.5.

Repeals: 326 IAC 6-4.

Affected Persons

Sources throughout the State of Indiana generating fugitive dust and the public in the vicinity of these sources.

Potential Cost

Cost to a source for responding to a finding of excessive fugitive dust will range, depending on the source of the dust and measures needed to address it. Upon a finding of excessive fugitive dust, a source must develop and implement a fugitive dust control plan. Control plans among affected sources will not be identical, hence the range of cost. Some control measures are very inexpensive; others may be more costly.

Outreach

Interested parties received notification by mail of the draft rule publication and date of the public meeting. IDEM held a public meeting in Indianapolis on February 20, 2001.

Upon request, the department has met with interested parties to discuss the draft rule.

Description

In 1996, the Indiana General Assembly directed IDEM to review and, if appropriate, revise certain provisions of the fugitive dust rule. Specifically HEA 1401, P.L. 123-1996 called on IDEM to evaluate the appropriateness of the sixty (60) minute time period found in 326 IAC 6-4-2(3), which addresses determining compliance by measuring and comparing the dust upwind and downwind from the source. It is a violation of the existing rule if the average downwind ground level concentration of dust exceeds the upwind concentration by more than fifty (50) micrograms per cubic meter for a sixty (60) minute period. HEA 1401 also required IDEM to report the department's findings on the sixty (60) minute time period to the air pollution control board (board) and to initiate rulemaking to revise or reaffirm 326 IAC 6-4-2(3). IDEM evaluated the time period and recommended that it be retained, in combination with certain other proposed changes to the rule, at the November 1996 board meeting.

A second notice of comment period that contained a draft rule incorporating the proposed changes was published on March 1, 1997. In response to the comments received from both industry and environmental groups, IDEM has made a number of changes to the

draft rule. The revised draft rule, which is presented for preliminary adoption, includes the following changes from the existing rule:

- (1) Adds definitions for “excessive wind speed” and “dust.”
- (2) Revises the definition for “fugitive dust.”
- (3) Adds the use of the closest state, local, or industrial meteorological station that collects continuous Weather Service data in order to determine wind speed.
- (4) Adds secondary deposition analysis as a basis for the department to issue a finding of excessive fugitive dust.
- (5) States that an initial fugitive dust event is a violation of the rule and will result in a finding of excessive fugitive dust that will require the creation of a fugitive dust control plan.

Since the publication of the March 1, 1997, Second Notice of Comment Period, the fugitive dust rule, 326 IAC 6-4, has become subject to the “sunset” statute, IC 13-14-9.5, Expiration and Readoption of Administrative Rules. This statute requires all administrative rules in force on December 31, 1995 to be readopted and effective by January 1, 2002 or they will expire. IDEM is proceeding with these amendments and will fulfill the requirements of the “sunset” statute.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could reasonably be achieved

through coordinated control of all factors affecting the quality.

6) Economic reasonableness of measuring or reducing any particular type of pollution.

7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:

- (A) human, plant animal, or aquatic life; or
- (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The new rules are consistent with federal guidance.

IDEM Contact

Additional information regarding this rulemaking action can be obtained by contacting Chrystal Campbell, Rule Development Section, Office of Air Quality, at (317) 234-1203, or call (800) 451-6027 (in Indiana), press 0 and ask for extension 4-1203.